



BOARD OF ZONING APPEALS

601 Lakeside Avenue, Room 516

Cleveland, Ohio 44114-1071

<https://planning.clevelandohio.gov/bza/cpc.html>

216.664.2580

JANUARY 24, 2022

Under the conditions specified by law, the Board of Zoning Appeals will be conducting virtual meetings in a using the WebEx Platform. The Board of Zoning Appeals will also be live streamed on YouTube. The links for the live streams will be available before the meeting on our website at:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or https://www.youtube.com/channel/UCB8qI0Jrhm_pYIR1OLY68bw/

In order to keep the WebEx session manageable we are asking individuals that wish to participate in the meeting to contact the Board of Zoning Appeals office by phone or email by noon on January 19, 2022. Those individuals not planning to comment on any agenda item during the WebEx session are encouraged to view one of the live streams.

IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY contact the Board of Zoning Appeals office and request access to the WebEx Board of Zoning Appeals Meeting by calling 216.664.2580 or emailing us at us at cjones@clevelandohio.gov

9:30

Calendar No. 21-192

**B.R. Knez Appealing the Decision
Of the City Planning Commission
Regarding 4705 Bridge Ave.**

Ward 3

Kerry McCormack

B.R. Knez Construction Inc., appeals, under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances, the decision of the City Planning Commission to deny approval of a proposed townhome development. (Filed December 3, 2021).

9:30

Calendar No. 21-200

2512 Church Ave

Ward 3

**Kerry McCormack
16 Notices**

Peas & Carrots Hospitality, owner proposes to establish use as restaurant in a D3 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that accessory off-street parking is required at the

rate of one per four seats plus one per employee; 16 parking spaces required, none are provided. (Filed November 15, 2021)

9:30

Calendar No. 21-201:

3779 E 131st Street

Ward 2

Kevin Bishop

18 Notices

3779 East 131st LLC, owner, propose to establish a daycare center in an A1 One-Family Residential District and a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.02(g)(3)(A) which states that a daycare use in a residence district must be approved by the Board of Zoning Appeals.
2. Section 347.08 which states that trash areas and refuse containers shall be located in such a manner that they shall not be visible from the public street or from any lot or lots designated for residential purpose. Such trash areas shall be screened with opaque fencing not lower than the height of the refuse containers therein.
3. Section 352.11 which states that an eight feet wide landscaped transition strip is required where Local Retail Business District abuts the One-Family Residential District.
4. Section 352.12 which states that a Landscaping Table is required. (Filed December 15, 2021)

9:30

Calendar No. 21-202

5001 Memphis Ave.

Ward 13

Kris Harsh

17 Notices

Regina Conceller, owner proposes to install a 6'-0" high, wood privacy fence in an A1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 358.03(a) which states that no portion of a fence located within thirty feet of the intersection of two street right-of-way lines shall exceed two and one half feet in height, unless all portions of the fence above two and one half feet in height are at least seventy five percent open. The same restrictions shall apply to any portion of a fence located along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or public street if no sidewalk is present. (Filed December 21, 2021)

Postponed from December 6th, 2021

9:30

Calendar No. 21-181:

3733 East 65th Street

Ward 12

Rebecca Maurer

18 Notices

Ran Romano, owner, propose to establish seven (7) residential units and three commercial units in a B1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04 which states that thirteen (13) parking spaces are required and nine (9) parking

spaces are proposed.

2. Section 349.07 which states that accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion; proposed driveway use is not on subject parcel nor in the same ownership.

3. Section 349.08 which states that where five (5) or more accessory off-street parking spaces are provided, and are located on a lot that is adjacent to a Residence District or that adjoins a building containing dwelling units, such parking spaces shall be screened from all adjoining lots in the Residence District or a building containing dwelling units, by an opaque wall, a uniformly painted fence of fire-resistant material or a strip of land at least four (4) feet wide and densely planted with shrubs that form a dense screen year-round. Such wall, fence or shrubs shall be at least three (3) feet, but not more than six (6) feet six (6) inches in height. However, such wall, fence or shrubs located within twenty-five (25) feet of the intersection of two (2) or more streets or the intersection of an access driveway and a street, shall have a maximum height of three (3) feet and a minimum height of two (2) feet.

4. Section 352.11 which states that a 10-foot-wide landscape strip is required.

5. Section 352.04 which states that a landscape plan is required (Filed November 8, 2021-No Testimony) *COUNCILMAN BRANCATELLI REQUESTED THE FIRST POSTPONEMENT TO ALLOW TIME FOR COMMUNITY REVIEW.*

POSTPONED FROM DECEMBER 6, 2021

9:30

Calendar No. 21-188

11811 Shaker Blvd

Ward 6

Blaine A. Griffin

28 Notices

Shaker West Professional, owner, proposes to establish use as mental health and substance abuse treatment center in an E1 Residence Office District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.471 which states that the definition of a Mental Health Center is an institution that provides in-patient or out-patient care or therapy for individuals affected by mental illness, developmental disabilities, alcoholism or substance abuse and others needing psychological therapy but which does not serve as a residence for such individuals.
2. Section 337.10 which states that a Mental Health Center use is not permitted in a Residence Office zoning district but is first specifically permitted in an Institutional Research zoning district per Zoning Code Section 340.02(b). (Filed November 12, 2021- No Testimony) *CHIEF CITY PLANNER MARKA FIELDS REQUESTED A POSTPONEMENT TO ALLOW TIME FOR FURHTER REVIEW.*

REHEARING DUE TO CHANGE IN FRONT SETBACK

(See underlined text below)

9:30

Calendar No. 21-194:

11413 Britt Oval

Ward 6

Blaine A. Griffin

61 Notices

Entrada Woodland Heights (STL) owner, proposes to erect a two-story frame single family residence with an attached garage (open deck over garage) in a B1 Open Space & Recreation District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(f)(2)(A) which states that a front yard depth of 12 feet is required and 16.73 feet are proposed (originally 14.38 feet)
2. Section 337.031(f)(3)(A) which states that a 20% glazing minimum on the first floor is required and 16.7% is proposed.
3. Section 337.031(f)(3)(D) which states that a principal pedestrian entrance is required and side of building entrance is proposed
4. Section 337.031(f)(3)(E) which states that minimum 16 square foot "Frontage Feature" proposing; Common Yard proposed (option A).
5. Section 337.031(f)(3)(F) which states that the height of the finished first floor minimum is 28 inches and the maximum is 5 feet 6 inches; proposing 0" and not ADA accessible. Interior minimum 18" and 5'-6" and the appellant is proposing 0". (Filed November 12, 2021) *HEARD AND APPROVED WITH ORIGINAL SETBACK INFORMATION DECEMBER 20, 2021.*

9:30

Calendar No. 21-195:

11415 Britt Oval

Ward 6

Blaine A. Griffin

61 Notices

Entrada Woodland Heights (STL) owner, proposes to erect a two-story frame single family residence with an attached garage (open deck over garage) in a B1 Open Space & Recreation District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(f)(2)(A) which states that a front yard depth of 12 feet is required and 33.77 feet are proposed (original 14.38 feet).
2. Section 337.031(f)(3)(A) which states that the first floor 20% glazing minimum is required on the first floor and 16.7% is proposed.
3. Section 337.031(f)(3)(D) which states that a principal pedestrian entrance is required and side of building entrance is proposed
4. Section 337.031(f)(3)(E) which states that minimum 16 square foot "Frontage Feature" proposing; Common Yard proposed (option A).
5. Section 337.031(f)(3)(F) which states that the height of the finished first floor minimum is 28 inches and the maximum is 5 feet 6 inches; proposing 0" and not ADA accessible. Interior minimum 18" and 5'-6" and the appellant is proposing 0". (Filed November 12, 2021) *HEARD AND APPROVED WITH ORIGINAL SETBACK INFORMATION DECEMBER 20, 2021.*